

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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SHONECA DAVIS, DAWUD EUDELLE, JACLYN
PAGNOTTA, and DAVID POMALES, individually and on
behalf of all others similarly situated, and

08 Civ 01859

KENNETH FINGERMAN,

ECF CASE

Plaintiffs,

CLASS ACTION

- against -

AFFIRMATION OF
DAWUD EUDELLE

ABERCROMBIE & FITCH CO., ABERCROMBIE &
FITCH STORES, INC., ABERCROMBIE & FITCH
TRADING CO., d/b/a Abercrombie and Fitch,
Abercrombie, and Hollister and Ruehl,
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DAWUD EUDELLE, under penalty of perjury, affirms and states as follows:

1. I am a plaintiff in the above-captioned case and I submit this affirmation in support of Class Plaintiffs' Motion for Preliminary Certification Pursuant to the Fair Labor Standards Act, for Court-Facilitated Notice to Similarly Situated Persons, and for Expedited Discovery.

2. I worked at defendants' Abercrombie & Fitch store at the South Street Seaport in New York, New York, from September 2005 until January 2006. I have been working at defendants' Abercrombie & Fitch Fifth Avenue store from January 2006 through the present.

3. My title was Loss Prevention Agent.

4. When I started work at Abercrombie, I worked for Michael Oliveras ("Oliveras"), the South Street Seaport Loss Prevention Manager, and for regional managers,

including Robert Ruiz ("Ruiz"). The regional managers were responsible for stores in New York and New Jersey.

5. Attached as Exhibit 1 is a true and correct copy of a flyer I received in my initial materials showing the "Regional Loss Prevention Team" for the "New York/New Jersey Region."

6. When I started, I understood that I would be paid \$28,000 for forty hours a week of work.

7. At South Street Seaport, I was regularly required to work overtime, including for regional loss prevention conference calls. I also worked overtime for "floor sets," when the stores' entire inventory was changed and I had a 12-hour shift because I had to stay until another Loss Prevention employee arrived. I was not paid overtime.

8. At the South Street Seaport, I also participated in regional loss prevention conference calls with loss prevention employees from New York and New Jersey stores. These calls sometimes took place in addition to my assigned shifts.

9. After I was moved to the Fifth Avenue store in February 2006, I continued to work overtime without pay.

10. At least twice since I began at Abercrombie, in approximately November 2006 and again in February 2007, I received paychecks that wrongly reflected that I worked fewer than forty hours. I was paid only for the hours reflected, not my full salary. The second of these errors was corrected; the first never was.

11. My work since I started at Abercrombie has been on the overnight shift; among other things, I monitor employees to deter theft, check the trash for concealed stolen merchandise, watch boxes when shipments are received, look after the building security (such as

ensuring doors are locked), review records of merchandise tracking, and conduct training of the overnight workers in the store pursuant to Abercrombie's Loss Prevention Manual, and at Fifth Avenue, I monitor surveillance cameras and tapes.

12. When I suspect that a store employee is stealing, which we call an "internal" investigation, I am required to advise my managers, who determine what to do. I do not have authority to discipline employees.

13. Based on the regional conference calls and my discussions with and observation of other employees in my position, I understand that the duties and responsibilities of other Loss Prevention Supervisors and Agents in Abercrombie and Fitch, abercrombie, Hollister, and Ruehl stores in New Jersey were substantially the same as mine.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 8, 2008 in New York, New York

Dawud Eudelle
Dawud Eudelle

EXHIBIT 1



Your Regional Loss Prevention Team

New York/New Jersey Region

Regional Loss Prevention Investigator: Robert Ruiz

- Voicemail: 81527
- Cell Phone #: 614-330-8928
- Fax #: 718-732-2610
- E-mail Address: Robert_Ruiz@Abercrombie.com

Regional Loss Prevention Auditor: Dennis Lonergan

- Voicemail: 71001
- Cell Phone #: 614-638-8250
- E-mail Address: Dennis_Lonergan@Abercrombie.com

Please contact US first on all Loss Prevention related issues.

**If you can not get in touch with us then please call
The Loss Prevention Hotline.**

1-800-666-2595 option #5